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10/509,504

05/31/2005

Moussavi Mojdeh Zamani

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EXAMINER

MARSH, OLIVIA MARIE

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,504

Applicant(s)

ZAMANI ET AL.

Examiner

Olivia Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 6 is objected to because of the following informalities:

Applicant discloses, "When a registered user would like to access the communication set up service, he must connect to the WAP or Web service on the central server" (page 6, lines 18-19). However, applicant has claimed both the alternative and combined options "WAP and/or Web service" (claim 6).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-4, 6, and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Deigin *et al* (U.S. 2004/0203896 A1).**

As to **claim 1**, Deigin discloses a matching method and system, and more specifically relates to a real-time proximity-based matching method and system (paragraph 1), reading on claimed “a system for setting up communications between users of a telecommunication network, each user being provided with a terminal providing access to the telecommunication network.”

Deigin also discloses system 20 includes a server 22 and a plurality of mobile communication devices 24 provided to individual users (paragraph 18) and the server also includes a communication module 32 for communicating with the mobile communication devices 24 via the wireless network 26 and an information processing module 34 for conducting searches of the profile stored in the storage module 28 (paragraph 18). Deigin also discloses user B then reviews this invitation via the user interface 44 of the mobile communication device 24 belonging to user B and in communication 64 back to the server 22 accepts this invitation; then, the information processing unit 34 provides contact information to both user A and B in communications 66A and 66B respectively to establish a direct communication channel 68

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between users A and B (paragraph 27), reading on claimed "wherein the system comprises a central server (2) designed to provide a service for setting up a communication."

Deigin also discloses the server 22 includes a storage module 28 for storing a plurality of profiles 30 and the plurality of profiles 30 includes a profile for each of the users (paragraph 18). Deigin also discloses the user will be able to sign up for this service directly from a mobile communication device 24 they already have, and the system 20 will provide them with the means for inputting their personal information to build both their public profile and private profile (paragraph 20). Deigin also discloses users are categorized as being at least one of two categories: in category one, category one users indicate that they are willing to be contacted by other users and in contrast, category two users can contact category one users, but cannot, themselves, be contacted without first initiating communications (paragraph 22), reading on claimed "means (4) for memorizing for each user a user identifier for the communication set up service, associated with information necessary to set up a communication with the user's terminal and profile information based on which the user would like to use his terminal to get into anonymous communication with other service users."

Deigin also discloses the first step in the case of any individual user, will be to sign up the user for the service and this can be done directly via a website, e-mail, phone, postal service, etc., or via any third party such as a mobile network service provider, a dating service, a travel operator promotion; preferably, the user will be able to sign up for this service directly from a mobile communication device 24 (paragraph 20), reading on claimed "means for receiving profile information sent by users, and storing it in the memory means (4)."

Deigin also discloses the information processing module 34 then runs a search of the plurality of profiles 30 using the search request and determines that profiles 30 for users B and C, both of category one, meet the parameters in the search request and the public profiles of

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users B and C are communicated to the mobile communication device 24 belonging to the user A in communication 52 (paragraph 27), reading on claimed “means for distributing the received profile information on user terminals (5, 8).”

Deigin also discloses this list or search request is then sent to the communication module 32 of the server 22 via the wireless transceiver 38 of the mobile communication device and the wireless network 26 in communication 50 (paragraph 26), reading on claimed “means for receiving requests from user terminals for setting up a communication based on user profile information.” Deigin also discloses the information processing unit 34 provides contact information to both user A and B in communications 66A and 66B respectively to establish a direct communication channel 68 between users A and B (paragraph 27), reading on claimed “means for setting up a communication between two user terminals following reception of a communication set up request.”

Deigin also discloses each of the mobile communication devices 24 includes a wireless transceiver 38, together with a location determination component 40, a location transmitter controller 42, and a user interface 44 (paragraph 19). Deigin also discloses the public profiles of users B and C are communicated to the mobile communication device 24 belonging to the user A in communication 52; the user A is then free to review these search results; and in communication 60, the user A sends a request to contact user B to the server (paragraph 27), reading on claimed “each user terminal comprising means for receiving and displaying user profile information sent by the central server, means for selecting the profile information of a user, and means for transmitting to the central server a request to set up a communication with the user corresponding to the selected profile information.”

As to **claim 2**, Deigin discloses everything as applied in claim 1 above and Deigin further discloses this system 20 includes a server 22 and a plurality of mobile communication devices

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24 provided to individual users (paragraph 18) and the mobile communication devices 24 includes a wireless transceiver 38, together with a location determination component 40, a location transmitter controller 42, and a user interface 44 (paragraph 19), reading on claimed "user terminals are fixed or mobile terminals."

As to **claim 3**, Deigin discloses everything as applied in claim 1 above and Deigin further discloses the information processing module 34 then runs a search of the plurality of profiles 30 using the search request and determines that profiles 30 for users B and C, both of category one, meet the parameters in the search request; and the public profiles of users B and C are communicated to the mobile communication device 24 belonging to the user A in communication 52 (paragraph 27), reading on claimed "the central server (2) comprises means for extracting from the memory means (4) a list of user profiles corresponding to a selection criterion sent by a user terminal, and means for transmitting the extracted list to the user terminal."

As to **claim 4**, Deigin discloses everything as applied in claim 1 above and Deigin also discloses each mobile communication device 24 includes a location determination component 40; this location determination component 40 may automatically determine the location of the user by, for example, using a global positioning system; and a location transmitter controller 42 will instruct the transceiver 38 to transmit this information to the communication module 32 of the server 22 via the wireless network 26 (paragraph 23). Deigin also discloses the mobile communication device 24 should preferably provide a field for entering a desired geographical proximity and some users may be interested in any other users that meet their search criteria that are within a distance of five miles, while other users may require a smaller radius of, say, one mile (paragraph 24), reading on claimed "the central server (2) comprises means for determining the geographic position of users registered in the communication set up service,

means for inserting in the memory means (4) the geographic position of each user in association with profile information, and means for extracting from the memory means (4) a list of user identifiers located close to a determined user, using memorized geographic positions.”

As to **claim 6**, Deigin discloses everything as applied in claim 1 above and Deigin further discloses the first step in the case of any individual user, will be to sign up the user for the service and this can be done directly via a website, e-mail, phone, postal service, etc. (paragraph 20), reading on claimed “the central server uses a WAP and / or Web service.”

As to **claim 10**, Deigin discloses a matching method and system, and more specifically relates to a real-time proximity-based matching method and system (paragraph 1). Deigin also discloses this system 20 includes a server 22 and a plurality of mobile communication devices 24 provided to individual users (paragraph 18), reading on claimed “a terminal (5, 8) used to equip users of a communication set up service.”

Deigin also discloses the mobile communication devices 24 communicate with the server 22 via a wireless network 26 (paragraph 18). Deigin also discloses each of the mobile communication devices 24 includes a wireless transceiver 38, together with a location determination component 40, a location transmitter controller 42, and a user interface 44 (paragraph 19), reading on claimed “connection means for connecting the terminal to a central server through a telecommunication network.”

Deigin also discloses the user will be able to sign up for this service directly from a mobile communication device 24 they already have, and the system 20 will provide them with the means for inputting their personal information to build both their public profile and private profile (paragraph 20). Deigin also discloses user A enters search parameters for determining a list of users into the mobile communication device 24A; these search parameters are entered into the user interface 44 of the mobile communication device 24 belonging to user A; and this

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list or search request is then sent to the communication module 32 of the server 22 via the wireless transceiver 38 of the mobile communication device and the wireless network 26 in communication 50 (paragraph 26), reading on claimed "means for inputting and sending to the central server profile information including a user identifier."

Deigin also discloses the public profiles of users B and C are communicated to the mobile communication device 24 belonging to the user A in communication 52 and the user A is then free to review these search results (paragraph 27), reading on claimed "means for receiving from the central server lists of profile information sent by other users of the communication set up service, and displaying these lists on the terminal, and means for selecting a displayed user profile."

Deigin also discloses in communication 60, the user A sends a request to contact user B to the server (paragraph 27), reading on claimed "means for sending a request to set up a communication with the user corresponding to the user profile displayed by the terminal and selected using selection means."

As to **claim 11**, Deigin discloses everything as applied in claim 10 above and Deigin further discloses this system 20 includes a server 22 and a plurality of mobile communication devices 24 provided to individual users (paragraph 18) and the mobile communication devices 24 includes a wireless transceiver 38, together with a location determination component 40, a location transmitter controller 42, and a user interface 44 (paragraph 19), reading on claimed "the terminal is of the fixed (8) or mobile (5) terminal type."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deigin as applied to claims 1 and 10 above, and further in view of well known prior art (MPEP 2144.03).**

As to **claim 5**, Deigin discloses everything as applied in claim 1 and Deigin also discloses the information processing unit 34 provides contact information to both user A and B in communications 66A and 66B respectively to establish a direct communication channel 68 between users A and B (paragraph 27), reading on claimed "communicating directly telecommunication network, the central server comprising means for transmitting to a mobile terminal information necessary for setting up with other nearby user terminals without needing a direct communication with the terminal located nearby, following reception of a request sent by the terminal to set up a communication with the nearby terminal."

However, Deigin fails to disclose at least some of the terminals (5, 8) of users of the communication set up service are of the mobile terminal type including low range communication means. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art for mobile devices to communicate directly with one another via low range communication means when located proximately close to one another in order to experience higher data rates and improved quality of communication.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, disclosed by Deigin, communicating directly telecommunication network, the central server comprising means for transmitting to a mobile terminal information necessary for setting up with other nearby user terminals without needing a direct communication with the terminal located nearby, following reception of a request sent by the terminal to set up a communication with the nearby terminal, also disclosed by Deigin, at least some of the terminals (5, 8) of users of the communication set up service are of the mobile terminal type including low range communication means, as taught by well known prior art, to easily communicate with other mobile users located in close proximity.

As to **claim 12**, Deigin discloses everything as applied in claim 10 and Deigin also discloses the information processing unit 34 provides contact information to both user A and B in communications 66A and 66B respectively to establish a direct communication channel 68 between users A and B (paragraph 27), reading on claimed "means for communicating directly with other nearby user terminals, and means for receiving information necessary to set up a direct communication with the nearby terminal, when requested."

However, Deigin fails to disclose the communication means is a low range communication means. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well known prior art.

The Examiner takes Official Notice that it was old and well known in the art for mobile devices to communicate directly with one another via low range communication means when located proximately close to one another in order to experience higher data rates and improved quality of communication.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, disclosed by Deigin, means for communicating directly with

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other nearby user terminals, and means for receiving information necessary to set up a direct communication with the nearby terminal, when requested, also disclosed by Deigin, at least some of the terminals (5, 8) of users of the communication set up service are of the mobile terminal type including low range communication means, as taught by well known prior art, to easily communicate with other mobile users located in close proximity.

7. Claims 7 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Deigin as applied to claims 1 and 10 above, and further in view of Himmel et al/ (U.S. 6,889,054 B2).

As to **claim 7**, Deigin discloses everything as applied in claim 1 above; however, Deigin fails to disclose the user profile information contains exchange proposals, each exchange proposal including types and quantities of exchangeable data offered and requested in exchange, the central server also comprising means for receiving exchange validation messages sent by terminals of users who accepted an exchange proposal sent by a user, and means for retransmitting each received validation message to the terminal of the user who sent the corresponding exchange proposal, and means for updating exchangeable user data accounts whenever a proposal for an exchange is accepted, as a function of types and quantities of data to be exchanged specified by the accepted exchange proposal. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Himmel.

In the same field of endeavor, Himmel teaches the advertising of goods and services being communicated to mobile phone users (column 1, lines 9-11). Himmel also teaches a method and system for schedule and user preference based advertisements on a mobile phone that can provide an incentive for mobile phone users to regularly accept and respond to

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advertisements (column 1, lines 39-41). Himmel also teaches the system comprises a conventional public switched telephone network (PSTN) 10, a primary call center 20, a mobile station in the form of a mobile phone 50, a base station 60, and an advertiser call center 70 (column 2, lines 66-67; column 3, lines 1-4). Himmel also teaches user profile/history database 41 includes one or more exemplary rows of data representative of information related to users of mobile stations within the telecommunication system that have granted authorization for call center 20 to "push" advertisements to their respective mobile stations (column 4, lines 50-54), reading on claimed "the user profile information contains exchange proposals, each exchange proposal including types and quantities of exchangeable data offered and requested in exchange."

Himmel also teaches module 82 directs a transmission of filtered advertisements compiled during stage S146 to mobile phone 50 with no charge to the account of the user of mobile phone 50 (column 8, lines 26-29). Himmel also teaches interface 91 of software 90 notifies the user of mobile phone 50 of the reception of advertisement AD by interface 93 (column 8, lines 40-42). Himmel also teaches module 92 of software 90 ascertains whether the user of mobile phone 50 desires to contact call center 70, acknowledge advertisement AD, and/or store advertisement AD (column 8, lines 52-55). Himmel also teaches module 92 of software 90 proceeds to a stage S126 of routine 120 to control a transmission of the contact command CC via interface 93 to interface 84 (column 9, lines 5-7). Himmel also teaches when receiving contact command CC, module 83 controls an establishment of a communication link between mobile phone 50 and agent workstation 72 with no charge to the account of the user of mobile phone 50 or the advertiser of call center 70 can have access to the user profile within database 41 to facilitate a purchase of a good or a service (column 9, lines 22-29), reading on claimed "the central server also comprising means for receiving exchange validation messages

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sent by terminals of users who accepted an exchange proposal sent by a user, and means for retransmitting each received validation message to the terminal of the user who sent the corresponding exchange proposal.”

Himmel also teaches module 83 thereafter proceeds to stage S156 to reward the user of mobile phone 50 for responding to advertisement AD and the user can be rewarded with a cash credit toward the phone bill for mobile phone 50 and/or any associated telecommunication device like a home phone bill; if the communication link between mobile phone 50 and agent workstation 72 results in a purchase of a good or a service, the user can be rewarded with additional free minutes and/or a larger cash credit (column 9, lines 30-41), reading on claimed “and means for updating exchangeable user data accounts whenever a proposal for an exchange is accepted, as a function of types and quantities of data to be exchanged specified by the accepted exchange proposal.”

As to **claim 13**, Deigin discloses everything as applied in claim 10 above; however, Deigin fails to disclose means for inputting an exchange proposal including an identifier of the user who sent the exchange proposal, a type and a quantity of exchangeable data offered, and a type of data requested in exchange, and sending this proposal to the central server, means for receiving lists of exchange proposals sent by the other users of the exchange service, the lists being transmitted through the central server, and means for selecting a displayed exchange proposal, and displaying these lists on the terminal, and means for sending a validation order for an exchange proposal displayed by the terminal and selected using the validation means. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Himmel.

Himmel teaches the advertising of goods and services being communicated to mobile phone users (column 1, lines 9-11). Himmel also teaches a method and system for schedule

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and user preference based advertisements on a mobile phone that can provide an incentive for mobile phone users to regularly accept and respond to advertisements (column 1, lines 39-41). Himmel also teaches the system comprises a conventional public switched telephone network (PSTN) 10, a primary call center 20, a mobile station in the form of a mobile phone 50, a base station 60, and an advertiser call center 70 (column 2, lines 66-67; column 3, lines 1-4). Himmel also teaches user profile/history database 41 includes one or more exemplary rows of data representative of information related to users of mobile stations within the telecommunication system that have granted authorization for call center 20 to "push" advertisements to their respective mobile stations (column 4, lines 50-54), reading on claimed "means for inputting an exchange proposal including an identifier of the user who sent the exchange proposal, a type and a quantity of exchangeable data offered, and a type of data requested in exchange, and sending this proposal to the central server."

Himmel also teaches module 82 directs a transmission of filtered advertisements compiled during stage S146 to mobile phone 50 with no charge to the account of the user of mobile phone 50 (column 8, lines 26-29). Himmel also teaches interface 91 of software 90 notifies the user of mobile phone 50 of the reception of advertisement AD by interface 93 (column 8, lines 40-42), reading on claimed "means for receiving lists of exchange proposals sent by the other users of the exchange service, the lists being transmitted through the central server, and means for selecting a displayed exchange proposal, and displaying these lists on the terminal."

Himmel also teaches module 92 of software 90 ascertains whether the user of mobile phone 50 desires to contact call center 70, acknowledge advertisement AD, and/or store advertisement AD (column 8, lines 52-55). Himmel also teaches module 92 of software 90 proceeds to a stage S126 of routine 120 to control a transmission of the contact command CC

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via interface 93 to interface 84 (column 9, lines 5-7), reading on claimed "means for sending a validation order for an exchange proposal displayed by the terminal and selected using the validation means."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, disclosed by Deigin, the user profile information contains exchange proposals, each exchange proposal including types and quantities of exchangeable data offered and requested in exchange, the central server also comprising means for receiving exchange validation messages sent by terminals of users who accepted an exchange proposal sent by a user, and means for retransmitting each received validation message to the terminal of the user who sent the corresponding exchange proposal, and means for updating exchangeable user data accounts whenever a proposal for an exchange is accepted, as a function of types and quantities of data to be exchanged specified by the accepted exchange proposal, as taught by Himmel, to entice a mobile phone user to regularly accept and respond to advertisements.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deigin and Himmel as applied to claims 1 and 7 above, and further in view of King *et al* (U.S. 2003/0203731 A1).

As to **claim 8**, Deigin and Himmel teach everything as applied in claim 7; however, neither Deigin nor Himmel teaches each user terminal in the exchange service includes means for transmitting a message to the central server to request the quantity of data appearing on each account available to the user, and means for receiving and displaying the data type and quantity information received in response from the central server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by King.

In the same field of endeavor, King teaches this disclosure relates generally to wireless communication devices, networks, and services, and more particularly to devices, networks, and methods for providing information to a wireless communication device (paragraph 2). King also teaches the user of the wireless communication device could request certain services which require either content from the Content Provider 604 or an Internet Service Provider 606, or agree to receive advertisements from either Advertiser 608 or Advertising Agency 610 as compensation for also receiving information or advanced picture content at a step 812 (paragraph 61). King also teaches and exemplary display shown in FIG. 9-A shows a display of the Wireless Communication Device 416, which preferably shows a time and date, as well as a menu selection and selection for various features (paragraph 64). King also teaches an example of a menu of FIG. 9-C showing features of the present invention could be shown initially, for example, synchronization, bill info, service options, downloads, and stored info are five options which may be available to a user to access (paragraph 66). King also teaches an exemplary "Bill Info" screen is shown. In particular, the "Bill Info" screen would show the current status of a bill, as well as the features selected and associated monthly costs with the features (paragraph 68), reading on claimed "each user terminal in the exchange service includes means for transmitting a message to the central server to request the quantity of data appearing on each account available to the user, and means for receiving and displaying the data type and quantity information received in response from the central server."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, taught Deigin and Himmel, each user terminal in the exchange service includes means for transmitting a message to the central server to request the quantity of data appearing on each account available to the user, and means for receiving and displaying the data type and quantity information received in response from the central server, to enable

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the mobile user to change account information and view real-time data related to the user's account.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deigin and Himmel as applied to claims 1 and 7 above, and further in view of Sobel (U.S. 2004/0110486 A1).

As to claim 9, Deigin and Himmel teaches everything as applied in claim 7; however, neither Deigin nor Himmel teaches the central server (2) comprises means for canceling an exchange transaction validated when the exchanged data are not present on the corresponding accounts of users participating in the transaction. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Sobel.

In the same filed of endeavor, Sobel teaches a method of incentivising consumers of wireless services to use a particular wireless carrier and to comply with the terms of his/her wireless carrier contract while allowing vendors of goods and services to transmit wireless messages directly to wireless subscribers at any time of the day or night (paragraph 10). Sobel also teaches the subscriber may be permitted to opt out of the program at any time or after some notice period (paragraph 34). Sobel also teaches when a subscriber opts out, he/she will stop accumulating points and may lose points already accumulated, depending upon the terms of the particular wireless carrier's reward point program (paragraph 34). Sobel also teaches the wireless carrier may terminate subscriber participation in the reward program for reasons such as late payment of invoices or deletion of incoming vendor messages without viewing and the carrier can reserve the right to revoke accumulated points in the program for reasons the carrier deems appropriate (paragraph 34), reading on claimed "the central server (2) comprises means

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for canceling an exchange transaction validated when the exchanged data are not present on the corresponding accounts of users participating in the transaction.”

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, taught by Deigin and Himmel, the central server (2) comprises means for canceling an exchange transaction validated when the exchanged data are not present on the corresponding accounts of users participating in the transaction, to enable a carrier can reserve the right to revoke accumulated points in the program for reasons the carrier deems appropriate.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deigin as applied to claim 10 above, and further in view of Hymel *et al* (U.S. 6,157,814 A).

As to **claim 14**, Deigin discloses everything as stated in claim 10; however, Deigin fails to disclose means for displaying a download window in which icons are displayed symbolizing exchanged data, to give the user the impression of physically exchanging data. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Hymel.

In the same field of endeavor, Hymel teaches an invention relates in general to wireless communication systems, and particularly, to wireless subscriber units having message indicators (column 1, lines 7-9). Hymel also teaches the advertisement manager 56 is programmed to assign advertisement icons 52 to the message indicators 44 on the display 42 and the assignment of the advertisement icon 54 to the message indicator 46 associated with the message 26 may be based on a message number, a message keyword, a message type, a message topic, or any other message characteristic defined by the service provider, the end user, or the advertiser (column 3, lines 45-51), reading on claimed “means for displaying a

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download window in which icons are displayed symbolizing exchanged data, to give the user the impression of physically exchanging data.”

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the terminal, disclosed by Deigin, means for displaying a download window in which icons are displayed symbolizing exchanged data, to give the user the impression of physically exchanging data, as taught by Hymel, to provide non-intrusive method for advertising to the end user of wireless subscriber units that provides for multiple viewing hits of the same advertisement.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (U.S. 2004/0204063 A1, Van Erlach, paragraph 27)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**CHARLES APPIAH
PRIMARY EXAMINER**